

1 DANIEL G. BOGDEN
2 United States Attorney
3 AMBER M. CRAIG
4 Assistant United States Attorney
5 333 Las Vegas Blvd. South, Suite 5000
6 Las Vegas, Nevada 89101
7 PHONE: (702) 388-6336
8 FAX: (702) 388-6698

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 -0Oo-

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 HECTOR FERNANDO ZAMBRANO-
17 REYES,

18 Defendant.

19 2:14-cr-103-GMN-VCF

20 STIPULATION TO CONTINUE
21 GOVERNMENT'S DEADLINE TO
22 RESPOND TO MOTION FOR RELIEF
23 FROM PREJUDICIAL JOINER
(Sixth Request)

24 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Amber M. Craig, Assistant United States Attorney, counsel for the United States of America, and Osvaldo Fumo, Esq., counsel for Defendant Hector Zambrano-Reyes, that the Government's deadline to respond to the Defendant's Motion for Relief from Prejudicial Joinder, currently set for June 22, 2015, be vacated and continued for thirty days, or to a date to be set at the Court's convenience.

25 This stipulation is entered into for the following reasons:

26 1. The parties are engaged in plea negotiations which may resolve the case without the need
27 to litigate the motion, and additional time is needed for the negotiations. Defense counsel has been
28 in a state trial for the last two weeks and needs additional time to speak to Defendant.

29 2. Defendant is in custody and does not object to the continuance.

30 3. For the reasons stated above, the ends of justice would best be served by a continuance of

1 the response deadline.

2 4. Additionally, denial of this request for continuance could result in a miscarriage of
3 justice.

4 5. The additional time requested by this Stipulation is excludable in computing the time
5 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
6 States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United
7 States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

8 6. This is the sixth request for a continuance filed herein.

9 DATED this 22nd day of June, 2015.

10 DANIEL G. BOGDEN
11 United States Attorney

12 /s/ Osvaldo Fumo
13 OSVALDO FUMO, ESQ.
14 Counsel for Defendant Zambrano-Reyes

15 /s/ Amber M. Craig
16 AMBER M. CRAIG
17 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-00-

UNITED STATES OF AMERICA,

Plaintiff,

2:14-cr-103-GMN-VCF

vs.

HECTOR FERNANDO ZAMBRANO-
REYES.

Defendant.

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER

FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties are engaged in plea negotiations which may resolve the case without the need to litigate the motion, and additional time is needed for the negotiations. Defense counsel has been in a state trial for the last two weeks and needs additional time to speak to Defendant.
2. The Defendant is in custody and does not object to the continuance.
3. For the reasons stated above, the ends of justice would best be served by a continuance of the response deadline.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice.
5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

11

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the Government's deadline to file its response to Defendant's Motion for Relief from Prejudicial Joinder, currently scheduled for June 22, 2015, be vacated and continued to the 22nd day of July, 2015.

DATED this 23rd day of June, 2015.

**HONORABLE V. CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE**